

MINUTES

NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

EDUCATION AND TRAINING COMMITTEE

May 10, 2016

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chairperson Robin Pendergraft called the meeting to order at 1:00 pm.

Those in attendance were:

- *Robin Pendergraft, Attorney General of the State of North Carolina – Ex-Officio Member
- *Greg Baker, Secretary, Dept. of Public Safety – Ex-Officio Member
- *Lee Farnsworth, NC Law Enforcement Officers' Association
- *Steve Johnson, Appointment by the General Assembly – Speaker of the House
- *Tracy McPherson, Dept. of Community Colleges - Ex-Officio Member
- *Chief Harold Medlock, Jr., NC Police Executives Association
- *Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- *Ricky Parks, Appointment by the General Assembly – Speaker of the House
- *Dr. Bob Ruth, NC Criminal Justice Association
- *Charles Walston, Appointment by the Governor

Visitors

Whitney Belich, NC Dept. of Justice-Law Enforcement Liaison Section
Richard Epley, CJ Commission Member
Stephanie Freeman, NC Administrative Office of the Courts, NCLETOA
Perry Harris, NC Justice Academy
Bill Hollingsed, NC Police Executives Association
Teresa Jardon, NC Dept. of Public Safety-CJ Commission Member
Tony Losada, NC Justice Academy
Marty McNeely, NC Dept. of Public Safety-OSDT
Joyce Ruth, Wife of Commissioner Dr. Bob Ruth
Jesse Swartz, NC Dept. of Public Safety-OSDT

Staff

Trevor Allen, NC Criminal Justice Standards Division
Steven G. Combs, Director, NC Criminal Justice Standards Division
Gary Dudley, NC Justice Academy
Jennifer Fisher, NC Justice Academy
Stacy Holloman, NC Justice Academy
Darlene Jackson, NC Justice Academy
Bob Overton, NC Criminal Justice Standards Division
Mark Strickland, Director, NC Justice Academy
Dan Worley, NC Justice Academy

*Committee Members

WELCOME/ROLL CALL

Chairperson Robin Pendergraft welcomed members and guests. The meeting was called to order and the roll was called. A quorum was present.

MINUTES

Commissioner Lee Farnsworth proposed a **motion** to accept the minutes of the April 13, 2016 meeting, with a **second** from Commissioner Nathan Mizell, **motion carried**.

COMMISSION ACTION

ADMINISTRATIVE CODE – PROPOSED RULE REVISIONS

On behalf of the NC Department of Justice, Whitney Belich presented model policy recommendations as required by *G.S. 15A-284.52 (HB566 - Eyewitness Identification Reform Act)*.

In August 2015, the Legislature enacted some changes to the Eyewitness Identification Act, which was originally passed in 2007. Those changes pertain to “show-up” identification. There are mandates for the Commission which are outlined in (c2) of HB 566. In order to comply with the mandates, legal staff created two new forms: “Eyewitness Identification Instructions for Show-Ups”; and “Eyewitness Identification Case Management Form for Show-Ups”. In addition, updates have been made to the existing lesson plan for the Eyewitness Identification Act block of instruction, which is currently being delivered at the NC Justice Academy. Ms. Belich provided these new forms and updated lesson plan to the Committee. The General Statute states that the policy regarding standard procedures for the conduct of show-ups must be passed by the Commission by August 1, 2016. The remainder of the Act became effective December 1, 2015. Mr. Mark Strickland informed the Committee that the training course will be made available online through the NC Justice Academy.

Commissioner Steve Johnson proposed a **motion** that, pursuant to ***G.S. 15A-284.52 (HB566-Eyewitness Identification Reform Act)***, the Commission adopt the model policy recommendations as presented by NC Department of Justice Legal Staff, with a **second** from Commissioner Nathan Mizell, **motion carried**.

COMMITTEE ACTION

SCHOOL ACCREDITATION COMMITTEE

On behalf of the School Accreditation Subcommittee, Deputy Director Trevor Allen, Criminal Justice Standards Division staff, presented a recommendation of the accreditation and reaccreditation of the following institutions for a period of five (5) years in accordance with ***12 NCAC 09B.0200 and 12 NCAC 09C.0401*** for the delivery of the Commission regulated training:

Re-Accreditation:

- Central Carolina Community College – BLET, SMI
- Granville County Sheriff's Office – SMI
- Guilford Technical Community College – BLET, General Instructor Training, SMI
- Piedmont Community College – SMI
- Rowan-Cabarrus Community College – BLET, General Instructor Training, SMI
- Surry Community College – BLET, SMI
- Vance-Granville Community College – BLET, General Instructor Training, SMI

New Accreditation:

- Asheville-Buncombe Technical Community College – General Instructor Training
- Fletcher Police Department – SMI

Commissioner Charles Walston proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Lee Farnsworth, **motion carried.**

Clarification on Rules Regarding “Active Duty” Military Completing BLET

On behalf of the Criminal Justice Education and Training Standards Division Staff, Deputy Director Trevor Allen asked for clarification on the following rules, as they relate to Active Duty Military and BLET:

- 12 NCAC 09B .0401 – Time Requirement for Completion of Training
- 12 NCAC 09B .0403 – Evaluation for Training Waiver

Mr. Allen explained that during the summer of 2015, the Commission gave rule-making authority to the Division to revise 12 NCAC 09B .0401 and 12 NCAC 09B .0403. The reason for the revisions was to provide an avenue for military service members on active duty, who choose to complete BLET in its entirety, to obtain law enforcement certification upon separation from the military. Mr. Allen recalled the discussion included providing this certification avenue to all active duty service members, not only to those serving in military police assignments. The rules were published in July 2015, and a public hearing was held at the November 2015 Planning and Standards Committee meeting. The Planning and Standards Committee did not feel comfortable voting on the rules, and tabled the vote at both the November 2015 and February 2016 meeting. Several Planning and Standards Committee members inquired as to why the Commission would allow service members up to five (5) years to seek certification after completing the BLET course, when anyone else is allowed only twelve (12) months to seek certification. Also, the Planning and Standards Committee believed that the language should be identical in both 09B .0401 and 09B .0403. Mr. Allen was asked to bring the concerns before the Education and Training Committee since the rules and language originated with them.

Commissioner Steve Johnson said the rule is not a military police rule. It is for any active service member who wants to go through the entire Basic Law Enforcement Training program. He provided an example of a service member who has three more

years of active duty service who wants to attend a night school, which will probably take a year to complete. After completing the night school and taking the state exam, the service member still has two more years of active duty. This rule would allow him to be certified upon completion of his active duty requirement, as long as he maintained his in-service during that period of time. Mr. Johnson stated it is an avenue to broaden the provisions under which any military service member can get certified.

Commissioner Robin Pendergraft recalled that the rule has a five-year cap, and also has a provision allowing for deployment. She also stated that much of the previous discussion about this rule focused on military police. However, the rule revisions were an effort to create a smooth avenue for all members of the military, not only the military police, to take the entire BLET as opposed to getting out and taking four or five courses. This is an avenue to help service members be able to transition to civilian life by finding ways in which they can become fully employed.

Director Steven Combs explained the reason for the five-year window for service members was that they are usually enlisted for four years at a time, and they would have one year after their enlistment to gain employment.

Commissioner Nathan Mizell noted that the language in 12 NCAC 09B .0401 does not equal the language in 12 NCAC 09B .0403, in that it does not specify in 09B .0401 that the individual has to maintain their in-service requirement on a yearly basis. He felt the language needed to be more consistent. Commissioner Pendergraft and other Committee members said they had no problem with changing the wording for continuity. Commissioner Pendergraft felt the five-year term was an attempt to assist and encourage those in the military to go into the law enforcement field and make the process a little easier.

After the Committee reviewed the rules and provided clarification as necessary, it was suggested that the Planning and Standards Committee have the opportunity to appear before the full Commission for a broader discussion, since the Commission has already voted on the rule.

Appointment of Subcommittees

Note: Although this item was listed on the agenda under Committee Action, it is actually an Informational Item

On behalf of the Education and Training Committee, Commissioner Robin Pendergraft briefed the Committee on the establishment of the following Subcommittees:

- Law Enforcement Continuing Education Committee
- Federal Law Enforcement Committee

Commissioner Pendergraft provided a handout with the names of those appointed to these subcommittees. The Law Enforcement Continuing Education Committee will discuss ways to create a degree program for law enforcement officers throughout the state. The Federal Law Enforcement Committee will review the lateral transfer rules for federal law enforcement.

BLET REVISION COMMITTEE - Basic Law Enforcement Training Revisions

On behalf of the BLET Revision Committee, Ms. Jennifer Fisher, North Carolina Justice Academy, requested the approval of the following major revisions to the BLET training curriculum:

- First Responder (BLET: 20N) – Lesson Plan, Training Objectives, Handouts and Videos

Ms. Fisher advised that a committee was formed consisting of EMTs, EMT Intermediates, EMT Paramedics, and Law Enforcement Officers in order to assist with the development of the proposed block of instruction. The new material was written from the viewpoint of an officer responding and providing initial patient assessment at the level of an officer's expectations. The proposed material consists of excited delirium, decontaminating oc spray, removing taser probes, and providing medical care to yourself or another wounded officer, including material from the "First Five Minutes". Also, a portion of the "bloodborne pathogens" lesson plan material has been included. There are no changes in hours, but it is a completely different block of instruction from the previous version. There are also new videos and handouts.

Commissioner Nathan Mizell proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Harold Medlock, **motion carried**.

Additionally, on behalf of the BLET Revision Committee, Jennifer Fisher, North Carolina Justice Academy, briefed the Committee on minor revisions made to ten (10) of the BLET lesson plans. The minor revisions include updating statistical data, statutory changes, clarification of current administrative code and practical exercise procedures, and inclusion of revised videos.

Minor revisions were made to the following lesson plans:

- Anti-Terrorism (BLET: 34K)
- Arrest, Search and Seizure/Constitutional Law (BLET: 04V)
- Course Orientation (BLET: 01N)
- Criminal Investigations (BLET: 15Q)
- Domestic Violence (BLET: 21R)
- Firearms (BLET: 14P)
- Juvenile Law (BLET: 11S)
- Motor Vehicle Law (BLET: 17Y)
- Law Enforcement Radio and Procedures (BLET: 07H)
- Responding to Victims and the Public (BLET: 13P)

NC DEPARTMENT OF PUBLIC SAFETY - OSDT

On behalf of the Office of Staff Development and Training, Marty McNeely, North Carolina Department of Public Safety, recommended major changes to two (2) lesson plans within the CRDT Instructor Training Program Curriculum:

- (602-1) Introduction to Controls, Restraints and Defensive Techniques: Revise objective 6.
- (602-5) Advanced Controls, Restraints and Defensive Techniques: Revise objective 1.

Commissioner Nathan Mizell proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Harold Medlock, **motion carried**.

Additionally, on behalf of the Office of Staff Development and Training, Marty McNeely, North Carolina Department of Public Safety, briefed the Committee on minor revisions to two (2) lesson plans within the CRDT Instructor Training Program Curriculum. The minor revisions include adding and removing techniques.

Minor revisions were made to the following lesson plans:

- (602-4) Basic Controls, Restraints and Defensive Techniques
- (602-5) Advanced Controls, Restraints and Defensive Techniques

SPEED MEASURING INSTRUMENT (SMI) ADVISORY COMMITTEE

On behalf of the SMI Advisory Committee, Bob Overton, SMI Program Administrator, Criminal Justice Standards Division, recommended the addition of five (5) speed measuring instruments to the current list of approved instruments, outlined in Appendix A of the Supplement for Speed Measuring Instrument Training Courses. The five approved instruments are as listed:

- MPH Industries, Inc. "Speedgun Pro" moving/stationary RADAR
- DragonEye Technology, LLC. "Speed" stationary LIDAR
- DragonEye Technology, LLC. "Compact" stationary LIDAR
- Laser Technology, Inc. "TruSpeed S" stationary LIDAR
- YIS/Cowden Group, Inc. "V-Spec" moving/stationary Time-Distance

Additionally, the SMI Advisory Committee recommended revisions to Appendix C of the Supplement for Speed Measuring Instrument Training Courses. The revisions include the adding of operational and testing procedures for the five new approved speed measuring instruments, correcting grammatical errors, and providing language to clarify button titles and testing procedures.

Mr. Overton also presented information from the SMI Advisory Committee related to their evaluation of new technology proposed by various manufacturers for addition to speed measuring instruments already approved for use within North Carolina.

Upon evaluation and consideration of these new technologies, the SMI Advisory Committee recommended the following approval/denial:

- Denial of the "Bluetooth" feature on LIDAR
- Denial of the "Data Logging through Chase mode" on LIDAR
- Denial of the "Following-Too-Close" feature on LIDAR
- Denial of the "Annual Test for Accuracy Expiration Reminder" feature on RADAR and LIDAR
- Denial of the "Guided Tuning Fork Test" feature on RADAR
- Denial of the "Time Trak" feature on LIDAR
- Approval of the "Data Logging through Stats" mode on LIDAR

Commissioner Lee Farnsworth proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Greg Baker, **motion carried**.

On behalf of the SMI Advisory Committee, Dan Worley, North Carolina Justice Academy presented recommended revisions to the policy for "Addition/Deletion to the Approved Speed Measuring Instrument List." The revisions are deemed necessary based on an in-depth review by the SMI Advisory Committee, collaboratively with the Criminal Justice Education and Training Standards Commission Legal Staff and the Education and Training Committee Chairperson, Robin Pendergraft.

Commissioner Steve Johnson proposed a **motion** to accept the recommendation as presented, with a **second** from Commissioner Nathan Mizell, **motion carried**.

INFORMATIONAL ITEMS

Speed Measuring Instrument (SMI) Advisory Committee

On behalf of the SMI Advisory Committee, Dan Worley, North Carolina Justice Academy, briefed the Committee on minor revisions made to all the SMI Instructor and Operator manuals. The minor revisions include updating cover pages, statistical data, definitions, technological and statutory changes, and various other updates and revisions to current materials.

Minor revisions were made to the following lesson plans:

- Orientation – RADAR, Time-Distance, and LIDAR manuals
- Speed Offenses and Speed Enforcement – RADAR and Time-Distance manuals
- Basic Principles – RADAR manuals
- Legal and Operational Considerations – RADAR and Time-Distance manuals
- Familiarization and Operation – RADAR and Time-Distance manuals
- Courtroom Preparation – RADAR, Time-Distance, and LIDAR manuals

NC Department of Public Safety - OSDT

On behalf of the Office of Staff Development and Training, Jesse Swartz, North Carolina Department of Public Safety, provided the Committee with an update on the Pilot Status of the Restraints, Controls and Defensive Techniques Basic Training Program for Juvenile Justice, along with the resultant effects to the Mechanical Restraints and Secure Transportation lesson plans. Wording related to the terms of the inverted finger technique has been removed in these two lesson plans.

Mr. Swartz has received concerns from the Juvenile Justice section in regards to the types of techniques being used, and a committee has been formed to address the concerns. A pediatrician is involved on the committee to address how the techniques being utilized affect the growth and development of youth. Additional options of techniques are being explored as a result of problems with the "inverted finger" being discovered.

Explanation of Changes – Specialized Instructor Certification

On behalf of the Education and Training Committee, Commissioner Robin Pendergraft briefed the Committee on minor revisions to the specialized instructor certification rules. The revisions were necessary to ensure uniformity in the rules. Minor revisions were made to the following rules:

- 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification
- 12 NCAC 09B. 0312 – Instructor Certification Renewal
- 12 NCAC 09G. 0311 – Terms and Conditions of Specialized Instructor Certification
- 12 NCAC 09G. 0312 – Instructor Certification Renewal

Mr. Mark Strickland introduced Perry Harris to the Committee. Mr. Harris is a new employee at the west campus of the NC Justice Academy and is taking over the instructor training program vacated by Leila Humphries. Mr. Harris has years of experience as a law enforcement officer and Chief of Police in Pine Bluff. Most recently he served as the BLET instructor at Montgomery Community College.

Commissioner Pendergraft gave remarks in honor of Dr. Bob Ruth, who is retiring after forty-four years of being on the Davidson College faculty. He has served on the Commission since 2002. Ms. Pendergraft expressed her appreciation to Dr. Ruth for his years of contribution and wisdom as the Commission delved through so many important issues. She said she could always rely on him for advice that was helpful and sincere, and he will be greatly missed.

Dr. Ruth thanked everyone and said it had certainly been an honor and pleasure to serve. He previously served on the Program Evaluation Committee beginning in 1991, which reported to the Commission.

With no other business, Commissioner Steve Johnson proposed a **motion** to adjourn, with a **second** from Commissioner Nathan Mizell, **motion carried.**